

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.,*
Case No. 1:18-op-45004

MDL No. 2804

Hon. Dan Aaron Polster

**SUMMARY SHEET FOR
REPLY IN SUPPORT OF DISTRIBUTOR DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT ON PLAINTIFFS' NEGLIGENCE PER SE CLAIMS**

Distributors'¹ Reply explains that summary judgment for Distributors is warranted on Plaintiffs' negligence per se claims because the federal Controlled Substances Act ("CSA") relied upon by Plaintiffs was not intended to protect government entities from spending more on addiction-related public services. This Court recently dismissed the negligence per se claims of the Muscogee (Creek) Nation and The Blackfeet Tribe of the Blackfeet Indian Nation (collectively, the "Tribes") because the CSA and several state-law CSA analogues cited by the Tribes do not give rise to a claim of negligence per se on the part of government entities seeking to recover based

¹ AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation, Prescription Supply Inc., H. D. Smith, LLC, f/k/a H. D. Smith Wholesale Drug Co., H. D. Smith Holdings, LLC, H. D. Smith Holding Company, Henry Schein, Inc., Henry Schein Medical Systems, Inc., and Anda, Inc.

on “addiction-related public services” rendered when “rates of addiction increase.” Doc. No. 1680 at 24. Plaintiffs contend that they are differently-situated than the Tribes because they, unlike the Tribes, have duties to protect their communities from harm. But the Tribes also assert that they have duties to protect their communities from harm. Having duties to protect members of a community from harm, however, does not make a government an intended beneficiary of the CSA. Moreover, nothing about this Court’s ruling on the Tribes’ negligence per se claims turned on anything unique about the Tribes as compared to other governments. *See* Doc. No. 1680 at 23–25. Accordingly, the Court should grant summary judgment to Distributors on Plaintiffs’ negligence per se claims.